

REMARKS / DISCUSSION OF ISSUES

Claims 5,7, 9-10, and 12-25 are pending in the application.

The Office action rejects claims 5, 7, 9-10, 12-21, and 24-25 under 35 U.S.C. 103(a) over Venkatraman et al. (USP 6,139,177, hereinafter Venkatraman) and Tan et al. (USPA 2001/0045451, hereinafter Tan). The applicant respectfully traverses this rejection.

MPEP 2142 states:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

The Office action addresses independent claim 14, and bases the rejection of independent claim 5 on the rejection of claim 14.

Claim 14 recites a method that includes receiving an address of a relay server from a remote device, transmitting a first request to the relay server, receiving an address of a profile server from the relay server, based on the first request, transmitting a second request to the profile server, receiving a profile from the profile server, based on the second request, and controlling the appliance in dependence upon the profile.

The Office action relies upon Tan for teaching receiving an address of a relay server from a remote device, and asserts that Venkatraman teaches receiving an address of a profile server from the relay server, based on the first request, transmitting a second request to the profile server, receiving a profile from the profile server, based on the second request, and controlling the appliance in dependence upon the profile. The applicant respectfully disagrees with this assertion.

Vankatraman does not teach receiving an address of a profile server from the relay server, as specifically claimed in claim 14. The Office action notes that a request is transmitted to the user's device 10, and asserts that Vankatraman's reception of the address of a loader web page 28 on the user's device 10 corresponds to receiving the address of a profile server from a relay server. The applicant respectfully disagrees with this assertion.

Vankatraman specifically teaches that the loader web page 28 is an installed software object (Vankatraman, column 6, lines 25-29) that facilitates the downloading of components for the device 10 (Vankatraman, column 3, lines 38-53). The applicant respectfully maintains that an installed software object in a device that facilitates the downloading of components for the device cannot reasonably be said to correspond to a profile server, as the term profile server is used in the art, and as used in the applicant's specification.

Further, assuming in argument that Vankatraman's loader web page 28 can be considered to correspond to a profile server, Vankatraman does not teach transmitting a request to the profile server, receiving a profile from the profile server, based on the request, and controlling the appliance in dependence upon the profile, as also claimed in claim 14. The Office action asserts that Vankatraman's teaching that the loader web page 28 updates the device's configuration 19 corresponds to receiving a profile from the profile server. The applicant respectfully disagrees with this assertion. The updating of the device's configuration 19 by the web page 28 does not correspond to 'receiving' a profile from the web page 28; Vankatraman's configuration 19 is located with the device 10, as is the web page 28.

The Office action asserts a correspondence between Venkatraman's device home page 18 and the claimed relay server, the loader web page 28 and the claimed profile server, and the configuration 19 and the claimed profile. As taught by Vankatraman, "The updated device configuration 19 is used by the web core 14 to construct an updated device home page 18 in response to subsequent accesses by external web browsers" (Vankatraman, column 8, lines 7-9). That is, to receive the

device configuration 19, another (a third) request must be sent to the device home page 18 (asserted relay server), and, the configuration 19 (asserted profile) is received from this device home page 18 (asserted relay server) in response to this subsequent (third) request. Contrarily, the elements of claim 14 clearly state that the profile is received from the profile server (not the relay server), based on a request to the profile server (not the relay server): "transmitting a second request to the profile server (asserted loader web page 28), receiving a profile (asserted configuration 19) from the profile server (asserted loader web page 28), based on the second request." That is, even assuming, in argument, that the correspondences between Venkatraman and the claimed invention are as asserted by the Office action, Venkatraman fails to teach the elements of claim 14.

With specific regard to claim 5, the applicant claims an appliance that includes a controller and a receiver connected thereto and effective to receive a device identifier from a remote communications device and a network interface connectable to a relay server corresponding to the device identifier; the controller being programmed to transmit data corresponding to the device identifier to the relay server and receive a profile address in response from the relay server; the controller being further programmed to receive profile data from a profile server, based on the profile address.

The Office action asserts a correspondence between Venkatraman's device home page 18 and the claimed relay server, and between the loader web page 28 and the claimed profile server. Both of these pages 18 and 28 are located at Venkatraman's device/appliance 10. As such, Venkatraman cannot be said to teach a network interface at the appliance 10 that provides connection to the relay server (asserted device home page 18).

Further, the Office action fails to identify an element in Venkatraman that corresponds to the applicant's claimed controller that transmits data to the relay server, receives a profile address in response, and receives profile data from a profile server.

With specific regard to independent claim 9, the Office action fails to identify where the combination of Venkatraman and Tan teaches or suggests a method that includes receiving first access data providing network access to first configuration data, receiving at the appliance at least a portion of the first configuration data via the network access, configuring the appliance to a first configuration based on the portion of the first configuration data, receiving, at the appliance, second access data from a second remote device, the second access data providing network access to second configuration data, receiving at the appliance at least a portion of the second configuration data via the network access, and reconfiguring the appliance to a second configuration based on the portion of the second configuration data.

Because the combination of Venkatraman and Tan fails to teach or suggest each of the elements of each of the applicant's independent claims 1, 9, and 14, the applicant respectfully maintains that the rejection of claims 1, 9, 14, and each of their dependent claims, under 35 U.S.C. 103(a) over Venkatraman and Tan is unfounded, per MPEP 2142, and should be withdrawn.

The Office action rejects claims 22 and 23 under 35 U.S.C. 103(a) over Venkatraman, Tan, and Hanco et al. (USP 6,912,578). The applicant respectfully traverses this rejection.

Claims 22 and 23 are dependent upon claim 9, and in this rejection, the Office action relies upon Venkatraman and Tan for teaching the elements of claim 9. As noted above, Venkatraman and Tan fail to teach each of the elements of claim 9. Accordingly, the rejection of claims 22 and 23 under 35 U.S.C. 103(a) that relies upon Venkatraman and Tan for teaching the elements of claim 9 is unfounded, per MPEP 2142, and should be withdrawn.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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